

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare – Khammam District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R. 1959 by Sri V.Ramesh S/o Anantharamaiah R/o Viswanadhapalli, Khammam, against the orders of the Agent to Government in CMA No.13/98 Dated: 3-8-2001 – Dismissed - Orders – Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms.No: 210

Dated:20-11-2008

Read the following:

1. From Sri M.Surender Rao, Counsel for the petitioner in Revision Petition dt:25-8-2001.
2. Government Memo No.13612/LTR-2/2001 dt:31-8-2001.
3. From the Collector, Khammam CMA No.13/98 (F2), dt:9-3-2005.
4. Government Memo No.13612.LTR-2/2001 dt:16-7-2007 and 3-8-2007.

ORDER:

In the reference 1st read above Sri V.Ramesh S/o Anantharamaiah has filed a Revision Petition before the Government against the orders of the Agent to Government, in CMA No.13/98 dated:3-8-2001, in respect of lands admeasuring Acres 2.39 guntas in Sy.No.131 situated at Viswanadhapalli H/o Komatlagudem (V) Singareni (M), Khammam District . The main grounds of the appellant in the Revision Petition among others are :

Petitioner's grand father purchased Acres 2.39 guntas of land in Sy.No.131 of Viswanadhapalli village from the tribal pattedar Kursam Muthaiah and was in possession uninterruptedly. His name was also entered in the revenue records as possessor and was continuously shown as kabjedar right from 1963-64 till today.

2. The brief history of the case is that a case was initiated on a report of Mandal Revenue Officer, Singareni. The Agency Divisional Officer, Kothagudem on verification of pahanies, held that Kursam Muthaiah was pattedar of suit scheduled land in Sy.No.131, extent Acres 2.39 guntas, that the name of Kursam Muthaiah was entered as kabjedar during 1963-64, ink change and with different writing, that the name of Vadde Thirupathaiah was entered as kabjedar with different ink and different hand writing during 1964-65 also. In the pahani for the year 1965-66, the names of Kursam Muthaiah and Vadde Pentaiah were also recorded as kabjedars. All the above entries revealed that the Vadde Thirupathaiah might have purchased the said scheduled land some where after 1962-63, but managed to tamper with the revenue records, as it is clearly evident from the entries made with different ink and different hand writing during 1963-64 and 1964-65. The petitioner / pattedar (Kurcha Muthaiah) (S.T) belongs to Koya by caste (S.T.) while the Vadde Thirupathaiah is non-tribal. As per the provisions of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959, transfer of immovable property between tribal & non-tribal is illegal and null and void, so the transaction between Kursam Muthaiah (Tribe) and Vadde Thirupathaiah (Non-Tribe) is void. Hence the Agency Divisional Officer in his proceedings No.79/95 dt:25-6-1996, and ordered that Vadde Thirupathaiah be ejected from the petition scheduled land and possession be restored to the tribal petitioner or his heirs. Aggrieved by these orders of the Agency Divisional Officer, Kothagudem Sri Vadde Ramesh S/o Thirupathaiah filed an appeal before the Agent to Government, Khammam District. The Agent to Government, upon hearing the Appellant Vadde Ramesh and upon perusal of material papers available on record found that the transfer of the land in this case is between Tribal and Non-Tribal and that the findings recorded by the Lower Court is found to be correct in respect of land purchased after 1962 and managed the Revenue Records tampered. He held that if this transaction really took place before 1962-63 the Scheduled Tribe Kursam Muthaiah (Tribe) name would not have entered in the Pahani in occupant column up to 1967-68 as the transaction is for entire extent of Sy.No.131 i.e. Acres 2.39 guntas. Further the sada sale deed filed in the case written on stamp paper dt:10-8-1998 is unregistered one. Thus V.Ramesh (appellant) has failed to establish his legal rights over the land by producing substantial evidence nor even corroborative evidences. Hence, the Agent to Government upheld the orders of the Lower Court dated:25-6-1996 in LTR Case No.79/95, and

dismissed the appeal vide CMA No.13/98 dt:3-8-2001. Now Sri V.Ramesh has filed present Revision Petition before the Government.

3. In the reference 2nd read above, the Agent to Government, Khammam was requested to furnish parawise remarks and case records and the same were furnished in the reference 3rd read above. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 24-7-2007 and was finally heard on 16-8-2007, vide reference 4th read above. Both the petitioner and his counsel were absent and the case is decided based on the records.

4. Government after careful examination of the material evidence on record observed that:

- i. In the pahani of 1963-64, name of Kursam Muthaiah (Scheduled Tribe) pattedar of suit scheduled land was entered in occupant column, but name of Vadde Thirupathaiah was added with different ink and different hand writing during 1964-65 and subsequently in 1965-66, the names of Sri Kursam Muthaiah and Vadde Pentaiah were recorded as occupants. The revenue records are found to be tampered.
- ii. If the transaction really took place before 1962-63, the Kursam Muthaiah (Scheduled Tribe) name would not have been entered in the Pahani in occupant column upto 1967-68 as the transaction is for entire extent of Sy.No.131 i.e. Acres 2.39 guntas. The unregistered sale deed is not valid according to Section17B of Registration Act as held by the Hon'ble High Court of Andhra Pradesh in CRP No.1087/96 dt:10-8-19988 in Bangaru Rama Thulisamma Vs Yada Mastan Reddy.

5. Government after careful examination of the case records, find no reason to interfere with the orders of the Agent to Government, Khammam District in CMA No:13/98, dt:3-8-2001 and accordingly dismiss the Revision Petition.

6. The Collector, Khammam District / Agency Divisional Officer, Kothagudem is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
A.K.TIGIDI,
PRL. SECRETARY TO GOVERNMENT

To

The Collector, Khammam District. (w.e)
(With RPAD of the following records)

1. LTR C.No.79/95 containing CF-88, NF-4 total 92 only.
2. CMA No.13/98 containing CF-90, NF-4 total 94 only.

The Addl. Agent to Government & PO ITDA, Khammam District.

The Agency Divisional Officer, Kothagudem, Khammam.

Sri M.Surender Rao, Advocate,

305, Arundhati Apartment, Behind Chaitanyapuri Petrol Pump,
Dilsukhnagar, Hyderabad.

Sri V.Ramesh S/o Anantharamaiah,
R/o Viswanadhapalli (V) Kompalli (M), Khammam.

Sri Kursam Muthaiah,
R/o Viswanadhapalli (V) Kompalli (M), Khammam.

Copy to P.S. to M (TW&RAID).

SF /SC

// FORWARDED BY ORDER //

SECTION OFFICER